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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BOZA PLEASANT-BEY,)	
)	
Plaintiff,)	
)	Case No. 3:19-cv-00486
VS.)	JUDGE TRAUGER
)	JURY DEMAND
STATE OF TENNESSEE, et al,)	
)	
Defendants.)	
	X	

DEPOSITION OF KELLY YOUNG
TAKEN ON JUNE 18, 2021

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S T I P U L A T I O N

The deposition of Kelly Young, taken on behalf of the plaintiff, remotely via Zoom, by agreement of parties, on June 18, 2021, for all purposes allowed under the Federal Rules of Civil Procedure.

It is agreed that Carole K. Briggs, licensed court reporter for the State of Tennessee, may swear the witness, take his deposition, and afterwards reduce same to typewritten form, and that the reading and signing of the completed deposition by the witness is not waived.

(Unless name spellings are provided, all names are spelled phonetically to the best of the court reporter's ability.)

1 (Whereupon, the foregoing deposition
2 began at 9:04 a.m.)

3 THE COURT REPORTER: Good morning. Today is
4 June 18, 2021 at 9:04 a.m. We are here for depositions.
5 At this time, would each attorney please introduce
6 yourself, who you represent and that you agree to take
7 this deposition by Zoom.

8 MS. HERZFELD: I am Tricia Herzfeld on behalf
9 of Mr. Pleasant-Bey. And I agree to take the deposition
10 by Zoom.

11 MR. WELBORN: Joe Welborn and Erin Polly on
12 behalf of CoreCivic. And we agree.

13 MR. AUMANN: This is Tom Aumann and Nikki
14 Hashemian on behalf of the TDOC defendants. And we
15 agree as well.

16 Whereupon,

17 KELLY YOUNG,
18 having been first duly sworn, was examined and deposed
19 as follows:

20 EXAMINATION BY MS. HERZFELD:

21 Q. Could you state your name and spell it for
22 the record, please.

23 A. Kelly Young. K-E-L-L-Y. Y-O-U-N-G.

24 Q. Mr. Young, where do you work?

25 A. I am employed by the Tennessee Department of

1 Correction.

2 Q. What is your position there?

3 A. I am the inspector general.

4 Q. How long have you been in that position at
5 TDOC?

6 A. Since mid-March of 2020.

7 Q. What did you do before that?

8 A. Prior to that, I was a senior associate
9 counsel with the TDOC office of general counsel.

10 Q. So you're a lawyer?

11 A. Yes.

12 Q. And what year did you graduate law school?

13 A. 2007.

14 Q. Have you ever been deposed before?

15 A. No.

16 Q. Well, welcome.

17 A. Yeah. Every lawyer's dream, right?

18 Q. Right, everybody wants to do it. It's more
19 comfortable to be on my side than it is on yours, I
20 guarantee it. So we'll try to make it as painless as
21 possible, okay?

22 A. No problem.

23 Q. I am going to assume you know the rules of
24 the road, but just in case you don't, I will remind you.
25 If you need to take a break at any time, let me know.

1 It's just like a wedding, you know, it's your day. So
2 if you need to get up, if you need to go stretch your
3 legs or whatever, just let us know and we will do that.
4 The only thing that I ask is that if I have a question
5 pending, that you answer the question before you get up,
6 okay?

7 A. Of course.

8 Q. Okay, everybody will object, I'm sure. I'll
9 have bad questions or questions folks don't like, so
10 you'll hear an awful lot of object to the form. You can
11 continue to answer the question unless your lawyer
12 instructs you not to answer for some reason, okay?

13 A. All right.

14 Q. And you have to answer yes or no; otherwise,
15 Ms. Briggs has a hard time taking it down for the
16 record, okay?

17 A. I totally understand.

18 Q. Any questions for me before we start?

19 A. No.

20 Q. Are you represented by counsel here today?

21 A. Yes.

22 Q. Who are you represented by?

23 A. The attorney general's office, Thomas Aumann
24 and Nikki Heshemian. And I probably butchered her last
25 name.

1 Q. Did you meet with them in advance of your
2 deposition?

3 A. Yes.

4 Q. When and for how long?

5 A. Now my days are running together. Monday we
6 met for two hours and this morning we met for an hour.

7 Q. Was there anybody else present at those
8 meetings?

9 A. No.

10 Q. Have you done anything else to prepare for
11 today's meeting?

12 A. Just reviewing departmental policies.

13 Q. Which departmental policies did you review?

14 A. I went over the grievance procedures policy,
15 religious programs policy, religious diet policy,
16 incident reporting. Oh, goodness, those are the ones
17 that are jumping to my head. I went over so much, I
18 can't remember specifically all of them.

19 Q. Have you worked at TDOC since you graduated
20 from law school?

21 A. No, I've only been with TDOC since 2016.

22 Q. Where did you work before then?

23 A. So directly out of law school, August of
24 2007, I started with the district attorney's office here
25 in Nashville as an assistant district attorney. In

1 April of 2008, I transferred under a federal grant for
2 Project Safe Neighborhood to the U.S. Attorney's Office
3 for the Middle District of Tennessee as a special
4 assistant United States attorney, specifically
5 prosecuting gang crimes and organized crime related to
6 gang activity. In 2010, at the conclusion of the grant,
7 I transferred back to the D.A.'s office where I worked
8 in the special prosecutions unit doing high-level
9 conspiracy narcotics wiretap cases.

10 In 2012, I went into private practice. I was
11 a criminal defense attorney for -- in the firm of McGee
12 Ballinger with Rich McGee and Bobby Ballinger. I did
13 criminal defense in state and federal court here in
14 Middle Tennessee until 2014. In 2014, I took a position
15 in the general counsel's office for the department of
16 intellectual and developmental disabilities. And then I
17 made the jump to TDOC in 2016.

18 Q. So you've been a little busy?

19 A. Just a little bit.

20 Q. Well, I'm sure even with your time with Rich,
21 you still didn't have a lot of depositions?

22 A. No. And I certainly wasn't on this side of
23 it, that's for sure.

24 Q. Welcome to the club. Very good. And then
25 you started -- when you started the position as the

1 inspector general, what were you told the job
2 responsibilities were?

3 A. So the position itself was created directly
4 in response to the 2020 comptroller audit. And so the
5 immediate responsibilities of the office were to take
6 over the compliance section of TDOC, so that section was
7 moved under me. And the contracts administration
8 section was moved under me. So that's -- and by
9 contracts administration, I mean the development and
10 administration, setting up and getting into place all
11 departmental contracts for services, vendors, et cetera.

12 Then shortly thereafter, the oversight, the
13 contract monitoring of the CoreCivic facilities moved
14 under me. And then also contract monitoring of vendors,
15 so like our medical and behavioral health services and
16 food service vendors, those contract monitoring
17 responsibilities moved under me. So I have four
18 different distinct sections under me.

19 Q. And you've been doing that for just over a
20 year now?

21 A. Yeah.

22 Q. Great. And you have been made aware, I am
23 assuming by your attorneys, that you are here as a
24 30(b)(6) designee for the department?

25 A. Yes.

1 Q. And so you know that means that your
2 testimony today isn't really in your personal capacity,
3 you are speaking on behalf of the department?

4 A. Yes.

5 Q. Great. And in that year when you've been the
6 inspector general, who do you report to?

7 A. Commissioner Parker.

8 Q. Does Commissioner Parker have the ability to
9 fire you?

10 A. Yes.

11 Q. Is there anyone else that you report to
12 within the state government?

13 A. I guess ultimately the governor, since I am
14 in executive service.

15 Q. But the inspector general is the position
16 within TDOC, it's not like an independent oversight
17 position?

18 A. That's correct.

19 Q. Do you know what this lawsuit is about?

20 A. I mean, just reading from what I see, it's
21 kind of a mixture of religious accommodation,
22 allegations with regard to both food service and
23 property, and then also Eighth Amendment with regard to
24 conditions at Trousedale.

25 Q. Have you had an opportunity to read the

1 complaint?

2 A. I did probably two weeks ago, so you will
3 have to forgive me if I am a little fuzzy on the
4 specific allegations.

5 Q. That's okay, there won't be a test at the
6 end, I promise. Now we're going to see my Zoom skills
7 and I'm going to see if I can resurrect them from
8 yesterday and see if we can show you an exhibit here.
9 If you will give me a moment.

10 In front of you, hopefully, you should have a
11 document. It looks like it has a case caption at the
12 top. Do you see it?

13 A. I sure do.

14 Q. And I'm also going to drop that in the chat.
15 Do you have access to the chat for the Zoom?

16 A. I hope so, as soon as I figure out how to do
17 it.

18 Q. It took me a minute yesterday, too, but we
19 will get there.

20 (Technical discussion.)

21 Q. You can either click on that or you can look
22 at what I've got on your screen, whatever is easiest for
23 you.

24 A. We'll give it a go with what you have on the
25 screen.

1 MS. HERZFELD: Okay, great. And everybody
2 else has got it in the chat? Wave at me if there's a
3 problem. Okay, great.

4 (Exhibit 1 was marked.)

5 BY MS. HERZFELD:

6 Q. And so taking a look at what we'll mark here
7 as Exhibit 1. Do you recognize this as the 30(b)(6)
8 notice that requires your testimony here today on behalf
9 of TDOC?

10 A. Yes.

11 Q. And you've had an opportunity to go through
12 -- give me a minute to scroll down -- the attachment
13 which goes through the various notice topics that you're
14 supposed to be testifying on behalf of the department
15 for today?

16 A. Yes.

17 Q. Are you prepared to testify today on all of
18 those topics?

19 A. To the best of my ability.

20 Q. Good luck. We should be back to the screen.
21 Do you see me now?

22 A. Yeah.

23 Q. And so I just have a few questions for you
24 today, hopefully we're not going to be here for very
25 long. But you have familiarity with the contract

1 between Trousdale and CoreCivic?

2 A. Yes.

3 Q. And that contract is monitored and enforced
4 by TDOC; is that right?

5 A. That's correct. I guess I should make a
6 clarification. This is the lawyer in me. I guess
7 technically the contract is with Trousdale County.
8 Trousdale County subcontracts with CoreCivic. So yeah
9 -- but we have oversight of the contract with Trousdale
10 County.

11 Q. And what is your understanding is the purpose
12 of the contract?

13 A. For the maintenance and operation of the
14 facility and the housing of TDOC inmates at Trousdale
15 Turner Correctional.

16 Q. What are some of the terms of the contract?

17 A. In generally speaking, the requirements are
18 that they house TDOC inmates in beds available at that
19 institution, that they house those inmates in accordance
20 with constitutional federal standards, ACA standards,
21 that they provide programming and care in accordance
22 with TDOC policies, they provide medical services in
23 accordance with TDOC policies, behavioral health
24 services in accordance TDOC policies, conduct risk and
25 needs assessments, classifications, disciplinary

1 procedures, grievance procedures. The whole gamut of
2 running of a facility in accordance with TDOC policies
3 and ACA standards.

4 Q. And those policies, standards and
5 constitutional rights are incorporated generally within
6 the contract?

7 A. Yes.

8 Q. What is the purpose of making sure that those
9 TDOC standards and constitutional rights are
10 incorporated within the contract?

11 A. Well, obviously, I mean, when we talk
12 ACA standards and federal standards, constitutional
13 standards, obviously that's for quality of life and to
14 ensure that the inmates are receiving the care and the
15 supervision as required under the law. TDOC policy, you
16 know, mirrors those standards and then kind of takes
17 them a little bit further with specifics related to just
18 Tennessee and how Tennessee operates.

19 The purpose of them operating in accordance
20 with TDOC policy is, obviously, a big one, being
21 continuity across the board with the way services are
22 rendered and provided so that, you know, if you are in a
23 TDOC facility and you move to a CoreCivic-operated
24 facility, you want there to be a continuity of services
25 and the method of housing the inmates needs to be the

1 same and consistent across the board.

2 Q. Would you say that one of the other purposes
3 of the contract is to make sure that the taxpayers'
4 money is being spent appropriately?

5 MR. WELBORN: Object to the form.

6 MS. HERZFELD: You can answer.

7 THE WITNESS: I mean, that would be true of
8 any contract, yes.

9 BY MS. HERZFELD:

10 Q. Great. When I say liquidated damages in
11 reference to the contract, do you know what I'm talking
12 about?

13 A. Yes.

14 Q. What is your understanding of liquidated
15 damages in reference to the contract?

16 A. Liquidated damages are one piece of a process
17 with regard to monitoring compliance under the contract.
18 And when there are issues of noncompliance that are not
19 cured during that process and they are identified as a
20 liquidated damage event, the department -- and part of
21 the contract, it lays out a rubric or a tool of
22 assessing and determining the amount. But then the
23 department, based on those noncompliance and the level
24 of the noncompliance, will then assess a liquidated
25 damage, which is a monetary amount that is then withheld

1 from the payment to CoreCivic for noncompliance.

2 Q. Do you know what the amount is for a
3 violation for the contract of Trousdale for liquidated
4 damages per violation?

5 A. Well, I guess -- so I guess I'm a little
6 confused. There is a -- so there is a difference,
7 there's not just an amount. There's a, you know, you
8 have a grid where you figure out, based on what the
9 noncompliance issue is, you then plug that number in and
10 that pumps out an amount. So there's not just an amount
11 you have to run through a grid. I hope I am answering
12 your question correctly.

13 Q. No, you are, and you're explaining it very
14 well. So when people would reference, for example, a
15 \$250 limit or issue for a liquidated damage issue with
16 the Trousdale contract, do you know what that is about?

17 A. My ear buds, you broke -- you said a \$2?

18 Q. Two hundred, fifty dollars.

19 A. Okay, \$250. That would be, so once again,
20 that is part of that rubric. Certain things within the
21 grid -- and unfortunately, I don't have the rubric in
22 front of me to quote it. But some items are \$250 and
23 then there are multipliers within that grid based on
24 what the noncompliance is. So then the multipliers
25 dictate, you know, how much times 250 to come at the

1 final liquidated damage amount.

2 Q. We'll get back to that in just a little bit.
3 When you talk about noncompliance, how is someone
4 notified of noncompliance?

5 A. So the contract requires two monitors at all
6 CoreCivic facilities. At Trousdale, there are two
7 monitors. There's a contract monitor of operations that
8 reports to the operations side of the department. Then
9 there's a contract monitor, a CNC for the actual
10 contract compliance. And that person is my shop, for
11 lack of a better term. They, you know, daily, weekly,
12 monthly, they're there on site and they monitor the
13 operation of the facility in accordance with the
14 contract.

15 So when they identify an item that is not in
16 compliance with policy or standards, they then will
17 notify the warden of that noncompliance, usually the
18 same day or very shortly thereafter, allow the warden to
19 address it. Then quarterly, those noncompliances and
20 the entirety of the compliance is looked at. And then
21 we have a quarterly report, generally quarterly report,
22 that is written up and provided to the warden. The
23 warden then provides corrective action. And I think I'm
24 probably getting ahead of where your next question is
25 going, so I will stop there.

1 Q. No, you're doing great. And so both of those
2 contract monitors that are at the Trousdale facility, do
3 they both -- are they both in your shop? They both
4 report to you?

5 A. No. The contract monitor of operations
6 reports to, ultimately, to the assistant commissioner of
7 prisons.

8 Q. Do either of them report to you?

9 A. Yes. The contract monitor of compliance, I
10 guess the CMC. So there's CMO, CMC.

11 Q. Do you know the names of the people at
12 Trousdale right now that are in those positions?

13 A. Christopher Brun is the CMO, the operations
14 contract monitor. And John Walton is the CMC.

15 Q. And at one point, there was only one contract
16 monitor at Trousdale; is that right?

17 A. I believe so.

18 Q. Do you know when the second contract monitor
19 joined Trousdale?

20 A. I -- John. I think it's been a little over a
21 year or two years. I'm not a hundred percent certain.
22 That was kind of one of the I inherited things back in
23 March.

24 Q. And the contract monitors, they office at the
25 facility?

1 A. Yes.

2 Q. And do they generally live in that area? In
3 order to be able to commute, they live near the
4 facility?

5 A. Generally speaking, yes. Sometimes we -- you
6 know, a monitor will -- we'll move monitors to different
7 facilities. So sometimes they don't necessarily live in
8 the exact immediate area. But we generally try to have
9 people living, you know, within an hour so it's not a
10 terrible commute.

11 Q. And then they report to people at TDOC, not
12 to people at CoreCivic; is that right?

13 A. That's correct.

14 Q. What policies or measures does TDOC put in
15 place in order to ensure that those contract monitors
16 can maintain their independence while working at that
17 facility everyday?

18 A. Well, just shooting off the top of my head,
19 the contract itself, of course, speaks to the fact that
20 those liaisons, you know, don't answer to CoreCivic,
21 they answer to the department. Then I think it's Policy
22 205, I can't remember the point whatever number, but
23 there's a policy of contract monitoring for privately
24 managed facilities. And that kind of lays out the
25 reporting procedures that they answer to the contract

1 monitoring director, which is a TDOC employee.

2 Q. And then other than having the chain of
3 command being the TDOC chain of command instead of
4 CoreCivic chain of command, are there any other
5 policies, or practices, or anything else that you know
6 the department has put in place in order to ensure their
7 independence while working at the facility?

8 A. Well, I mean, just the sheer operation of
9 what they do. My contract monitoring director, Carolyn
10 Jordan, is very hands on. She makes a point of being
11 very active in her communication with the monitors. On
12 the operation side of things, the correctional
13 administrator over those CoreCivic facilities, John
14 Fisher, has the same practice with his CMOs. And so
15 they routinely, just as a practice, are in constant
16 communication with them to make sure that they are
17 maintaining that autonomy and keeping an eye on things
18 for the benefit of the department.

19 Q. And you have spoken before about
20 noncompliance reports that they'll issue if they find
21 some sort of a problem or violation of the contract; is
22 that right?

23 A. Yes.

24 Q. I'm going to show what we'll mark here as
25 TDOC Exhibit 2. Do you see it in front of you?

1 A. Yes.

2 Q. Now I'm going to see if I can put it in the
3 chat. Do you have it in front of you?

4 A. Yes.

5 Q. And in the chat?

6 A. Yeah. I'm just going off the one in front of
7 me, though, it makes it easier.

8 Q. Whatever works easiest for you.

9 (Exhibit 2 was marked.)

10 BY MS. HERZFELD:

11 Q. So this document is a collective exhibit that
12 starts with TDOC 016160 is the first Bates number. It's
13 a 91-page document.

14 MS. HERZFELD: And I'll submit to counsel
15 that it's the same document that we used yesterday. And
16 they're not consecutively numbered, so you know.

17 BY MS. HERZFELD:

18 Q. So just take an opportunity here with me to
19 look at this first page. It says privately operated
20 facility notification of noncompliance, Tennessee
21 Department of Correction. Did I read that correctly?

22 A. Yes.

23 Q. And it says: Location, Trousdale Turner
24 Correctional Center, to Brandon Bellar, the Trousdale
25 County attorney, from Brad Cotham. I'm not sure if I'm

1 saying that right. TDOC contract monitor compliance.

2 Did I read that correctly?

3 A. Yes.

4 Q. And it's dated January 31st, 2019. And it's
5 about count procedures from October 2018 through
6 December 2018. Did I read that correctly?

7 A. Yes.

8 Q. Is this an example of one of those
9 notifications of noncompliance you were talking about
10 earlier?

11 A. Yes.

12 Q. With this one it says that TDOC employees
13 making the observations -- in this case, it's CMO,
14 Christopher Brun. That's the gentleman you were
15 speaking about earlier?

16 A. Yes.

17 Q. Great. I am going to take this down to the
18 second page here. Well, I guess we'll start with the
19 first one. So on the first page of this first one here,
20 they go through and identify the various policies and
21 issues that are in noncompliance; is that right?

22 A. Yes.

23 Q. And then after that goes through your
24 process, right, that is then sent up the chain. And
25 then you'd said it's given to the warden for them to

1 have an opportunity to correct it. Did I state that
2 correctly?

3 A. Yes.

4 Q. And so then once the warden has had a chance
5 to do it, then they have the ability to issue a
6 response; is that correct?

7 A. Yes.

8 Q. And so here on TDOC 016161, is that an
9 example of the response that would have been done by the
10 warden of the facility?

11 A. Yes.

12 Q. And in this case, it's from Warden Washburn;
13 is that right?

14 A. Yes.

15 Q. Do you know who the current warden of
16 Trousdale is?

17 A. They just appointed him. And I honestly
18 cannot remember his name, specifically. It was a unique
19 name, I just cannot remember what it is.

20 Q. And the previous warden, was that Warden
21 Byrd?

22 A. Yes.

23 Q. And Warden Byrd is -- do you know if he has
24 another position at a different Tennessee facility or
25 he's just left?

1 A. My understanding is he does not work in any
2 TD -- not TDOC, but Tennessee facility.

3 Q. And do you have an understanding as to why
4 that is?

5 A. It's related to an incident that occurred
6 back in January of this year.

7 Q. And that would have been an incident of
8 excessive force?

9 MR. WELBORN: Object to the form.

10 THE WITNESS: Yes.

11 BY MS. HERZFELD:

12 Q. If you will just kind of glance with me. I
13 am not going to make you go through all 91 pages here,
14 but if you look down here, it says PC. I'm sorry, I'm
15 not familiar with PC instead of CC, I always do carbon
16 copy. Do you know what PC means?

17 A. I honestly don't know, because I always do
18 CC, too. And I don't know what PC means.

19 Q. Maybe somebody can enlighten us later. And
20 so in any event, it looks like these are perhaps all of
21 the people who were copied on this particular report of
22 noncompliance and the warden's response; is that right?

23 A. Yes.

24 Q. In your position, do you get copies of these
25 things now?

1 A. Now I do, yes.

2 Q. But this was back before you started and
3 before your position existed?

4 A. Correct.

5 Q. Do you take any actions in response to
6 receiving these reports of noncompliance?

7 A. Other than reviewing them as best I can and
8 trying to remember them, no -- at that point, no.

9 Q. So when you have a response, for example,
10 from the warden, so we'll just take this one as an
11 example. There is a report of noncompliance, the warden
12 is notified, the warden issues his response, it gets
13 forwarded to various folks at CoreCivic and the TDOC,
14 and then what happens with that response? Is there
15 someone -- I mean, really what I'm getting at is, is
16 there someone who is responsible to ensure that what the
17 warden says is happening as the correction actually
18 occurs?

19 A. So yeah, the warden issues his POCA -- sorry,
20 plan of corrective action. We call them POCA's. And
21 then it's on our monitors, both the CMO and CMC, to keep
22 eyes on it going forward to ensure compliance, to
23 continually check up on it. And if they're not doing
24 it, you know, what you'll see on the next noncompliance
25 report is, it will show up again. And it will be

1 indicated as a repeat finding.

2 Q. So do they kind of keep a, for lack of a
3 better term, kind of a checklist of these are the extra
4 things we're looking out for because we've had issues
5 there before, and they kind of keep up with that?

6 A. Well, I don't know about checklist, because,
7 I mean, you know, these things that they're looking at
8 as far as compliance with the policies, I mean, they're
9 looking at them anyway all the time. So I mean, the
10 idea is, if this corrective action is working, then
11 they're not going to see a deficiency that would result
12 in a finding. So as far as like keeping a checklist of
13 looking at something extra, it's not really extra
14 because what they're looking at is, are you now
15 complying with policy and standards.

16 Q. Okay, that makes sense. Moving on, one of
17 the topics that we have here today is the contents and
18 findings of all TDOC audits, monitoring reports,
19 noncompliant reports or summaries, risk assessment
20 processes, enterprise risk processes and plans of
21 corrective action concerning Trousdale or its employees.
22 We'll kind of not sit here all day and go through all of
23 them, but let's kind of hit what we can. Obviously, you
24 are familiar with the 2020 audit, you had already
25 mentioned that earlier, that was issued by the

1 comptroller's office; is that correct?

2 A. Yes.

3 Q. And then other than the comptroller's audits
4 that have occurred in the past, are you aware of any
5 other reports or investigations about Trousdale within
6 or outside of the department?

7 A. So no, not specific to Trousdale. I mean,
8 other -- I mean, I don't know what you mean by
9 investigations. But obviously, I am aware we audit
10 them. And then, you know, ACA audits them. But beyond
11 that, I am aware that there was a 2017 comptroller
12 audit. I am not familiar with the -- because that was
13 way before I was in this position, I am not familiar
14 with the specifics of that report.

15 Q. When ACA or TDOC were to audit the facility,
16 do you get copies of those?

17 A. Yes.

18 Q. Do you know when the most recent ACA audit of
19 Trousdale was?

20 A. Unfortunately, off the top of my head, I do
21 not. That is something I could find out.

22 Q. Do you know if any violations or areas of
23 concern were raised in that report?

24 A. Not that I am aware of. Nothing that would
25 affect their ACA accreditation.

1 Q. Anything having to do with staffing or level
2 of staffing?

3 A. Not off the top of my head, not that I am
4 aware of.

5 Q. And you said TDOC audits. Has TDOC done an
6 internal audit of the Trousdale facility?

7 A. Yes.

8 Q. When was that?

9 A. Now everything has gone away. Hang on.
10 Actually, that was one thing I had ready and now it's
11 all gone away.

12 They were -- the preliminary report was from
13 February 5th of this year. The date of the annual audit
14 was conducted on December 15th through the 17th of 2020.

15 MS. HERZFELD: Tom, do you know if we have a
16 copy of those?

17 MR. AUMANN: The ACA audit?

18 MS. HERZFELD: No, the TDOC audit.

19 MR. AUMANN: Of Trousdale?

20 MS. HERZFELD: Yes.

21 MR. AUMANN: I think they're -- I think you
22 should have the 2020 audit that was done. I don't know
23 about the 2021 annual audit. So I may have to obtain
24 that.

25 MS. HERZFELD: I am not trying to give you

1 homework, I swear. I appreciate it, thank you.

2 BY MS. HERZFELD:

3 Q. Mr. Kelly -- Mr. Young, instead of Mr. Kelly.
4 Apologies. My colleague's last name is Kelly, so I get
5 a little stuck with that.

6 Okay, in the TDOC audits, were there any
7 deficiencies found of the Trousdale facility?

8 A. Yes.

9 Q. Do you recall what they were?

10 A. Findings related to administration, food
11 service, health, behavioral health, safety, security,
12 and treatment.

13 Q. And safety, security, and treatment, what
14 were the general issues, the general concerns?

15 A. Documentation on exit drills. Documentation
16 related to daily inspections. Physical plant -- there
17 were no lids on a trash can. An issue with control of
18 non-hazardous cleaning materials. Dryer vents not being
19 cleaned. There was an issue of an instance where peer
20 management was not being observed.

21 Q. I'm going to stop you right there. You're
22 reading off of a screen, so I am guessing you are
23 reading from the audit itself?

24 A. Yes.

25 MS. HERZFELD: If we could just go ahead and

1 make the audit that he is referring to as Exhibit 3 to
2 the deposition.

3 (Exhibit 3 was marked late-filed.)

4 BY MS. HERZFELD:

5 Q. And perhaps your counsel can help you submit
6 that to the court reporter after the deposition, okay?

7 A. Sure.

8 Q. So other than the TDOC audit, which we just
9 made an exhibit, and the two comptroller audits that we
10 talked about and the ACA audit, what other audits or
11 investigations of Trousdale are you aware of, if any?

12 A. All right, I want to make sure I'm repeating
13 back what you said correctly. We touched the ACA
14 audits. We said the annual audits. We said, of course,
15 the noncompliance reports, the monitoring by the
16 monitors. Investigations specifically that I am aware
17 of, we've already referenced the use of force
18 investigation from back in January. Other than that,
19 those are the only ones that I am aware of.

20 Q. And the use of force investigation, that
21 would have been regarding Warden Byrd; is that right?

22 A. Yes.

23 Q. Do you know what the enterprise risk
24 management process is?

25 A. It's a process wherein we kind of take a

1 40,000-foot view of the department and identify risks
2 related to operations, very generalized risks related to
3 operations, and identify those as low, medium, high.
4 And then have, you know, basically, whatever the risk
5 is, is it acceptable within the practice. And that's
6 the general idea of what it is.

7 Q. Has that enterprise risk management
8 evaluation been done regarding Trousdale?

9 A. It was done -- so it's -- it was done for
10 last year because it gets submitted in December of -- so
11 it would have been submitted December of last year for
12 that previous year. So it would have been done with
13 relation to, you know, the department as a whole. I'm
14 sure Trousdale was a factor within that, yeah.

15 Q. Do you know what the results were regarding
16 Trousdale?

17 A. Let's see. Once again all my stuff went
18 away.

19 I'm looking at it now to see if we actually
20 had anything specific to Trousdale.

21 MS. HERZFELD: And we'll make that Exhibit 4.
22 (Exhibit 4 was marked.)

23 THE WITNESS: Nothing specific to Trousdale.

24 BY MS. HERZFELD:

25 Q. And what about risk assessment processes, is

1 that a term of art?

2 A. So that is a late arrival to the office of
3 inspector general. And it's attached to our director of
4 contract -- vendor contract monitoring. So that is
5 somewhat of a term of art. It's attached to her, so
6 she's in charge of what we were just talking about, the
7 enterprise risk management. But she is currently in the
8 process of developing methods to, obviously, do a little
9 more frequent and detailed just risk assessments across
10 the board within the department.

11 Q. Do you know if any of those risk assessments
12 have been done regarding Trousdale?

13 A. Not that I am aware of.

14 Q. Do you know if there is any sort of plans of
15 corrective action for any individual employee, or
16 department, or Trousdale in general currently in place?

17 A. I guess I'm -- I'll need a little bit of
18 clarification. Do you mean is there any plan of
19 corrective action in place with relation to the most
20 current audit, or are you referring to have we, you
21 know, taken it higher than that and said, you know,
22 something -- I guess I am a little confused by what
23 exactly you're asking.

24 Q. Thanks for clarification because it wasn't a
25 very good question. Other than the reports that you

1 filed and followed up to the audit from 2020, kind of
2 separate from that audit process, is there anything else
3 kind of ongoing at Trousdale right now that you all are
4 monitoring closely?

5 A. Well, we always -- I mean, everything with
6 regard to the performance, we monitor closely. So I
7 guess nothing outside of what I said, because that would
8 run the gamut of everything they're supposed to do.

9 Q. Do you know if there's any specific
10 investigations regarding Trousdale right now?

11 A. None that I am aware of.

12 Q. What about any employees at Trousdale, do you
13 know if there's any specific investigations regarding
14 the employees of Trousdale?

15 A. Not that I am aware of. And those
16 investigations are handled by our office of
17 investigations and conduct. And so if there are any
18 investigations of that nature, they are kept
19 confidential at the time. But I'm not aware of any. I
20 haven't been alerted to any that are currently ongoing.

21 Q. Thanks so much. You've been in the position
22 now for about 15 months?

23 A. Yeah.

24 Q. And you worked for TDOC for a bit before
25 then?

1 A. That's correct.

2 Q. And do you know how much money that CoreCivic
3 has been assessed in liquidated damages because of
4 Trousdale in the last, say, five years?

5 A. Off the top of my head, I do not. And I
6 don't have that in front of me or available. But no, I
7 don't have the figure available right this second. I
8 know there have been, but I just don't know the total
9 amount.

10 Q. Are you involved in that? Are you made aware
11 of that information on a month-to-month basis?

12 A. So, obviously, before I was in this position,
13 I wasn't a part of that. So I didn't -- I wasn't
14 involved in that process. Since I've been in this
15 position, that is something that falls under me, but
16 there haven't been -- you know, basically, I got this
17 position and then COVID showed up. And so we all went
18 home and the entire world changed with regard to
19 corrections. So to my knowledge, there have not been
20 any assessments against Trousdale while I've been in
21 this position.

22 Q. So that would be in the last, say, 15 months?

23 A. I believe so. I'm not a hundred percent
24 certain, but I don't think there have been. And if
25 there were, they were right after I had come on, so I

1 was marginally involved.

2 Q. So can I take from that, that that means that
3 Trousdale is substantially complying with the contract
4 at this point?

5 A. The answer to that would be that those
6 assessments for liquidated damages have not been issued,
7 that they are being reviewed and compiled now.

8 Q. Reviewed and compiled, what do you mean by
9 that?

10 A. So just because we haven't assessed
11 liquidated damages doesn't mean we haven't been
12 monitoring, and watching, and issuing reports of
13 noncompliance. So, you know, we finally have gotten to
14 a point where we are kind of coming out of the worst of
15 things, and so we are now going back and reviewing those
16 NCRs and plans of corrective action to see if issues
17 were remedied. And to the extent they weren't, we are
18 reviewing those for assessment of liquidated damages.

19 Q. So is it fair to say that the normal process
20 perhaps took a little pause or has been delayed because
21 of Covid?

22 A. Yeah. I mean, we didn't stop monitoring them
23 by any means or keeping an eye on things, but the kind
24 of back-end of assessing the liquidated damages did kind
25 of go on hold.

1 Q. When do you think that those liquidated
2 damages assessments will be completed? I am not holding
3 you to it, it's not a deadline.

4 A. Good. Don't tell my boss because when I put
5 deadlines out, I get myself in trouble.

6 Q. Absolutely not.

7 A. Within the next couple of weeks.

8 Q. It looks like my lights just went off in my
9 office. So if you all will just give me one quick
10 second to turn back on. We're energy efficient here and
11 I apparently haven't been moving enough. Give me one
12 second.

13 Besides liquidated damages, is there anything
14 else that the department can do to ensure compliance
15 with terms of the contract with Trousdale?

16 A. The contract allows for, if there are
17 instances where, I mean, I guess we would call them huge
18 security risks or security issues or huge deficiencies,
19 the commissioner has the authority to, one, demand
20 immediate compliance, which would require an immediate
21 plan of corrective action. He can then either accept
22 that or decline it or deny it, to which they have to
23 either come up with another plan or we give them a plan
24 to comply with. Then those instances also allow for the
25 department's discretion, either a full or a partial

1 assumption of control to remedy the issue. So that
2 would be the other mechanism.

3 Q. Do you know if the department has ever taken
4 either of those actions against any facility?

5 A. Not that I am aware of.

6 Q. That would be a decision that would have to
7 be made by the commissioner or who?

8 A. The commissioner.

9 Q. I'm sorry, I might have asked you this
10 question already before, but what is the purpose of
11 liquidated damages?

12 A. So liquidated damages are to make the
13 department whole for instances of noncompliance. So
14 there is a -- you know, to the extent that they are not
15 complying and providing the services required by the
16 contract, it is a mechanism to make the department whole
17 to the amount that is, you know, kind of extended in
18 watching, you know, monitoring and going through the
19 process of monitoring and ensuring the corrective
20 actions are taken.

21 Q. Can liquidated damages also be an incentive
22 for the contractor, in this case CoreCivic, to be in
23 compliance with the contract?

24 A. Well, I mean, practically speaking, any time
25 -- such a thing would be a motivator. Nobody wants to

1 receive, you know, a monetary penalty for not complying
2 with a term of a contract.

3 Q. And would you agree that a higher economic
4 penalty, monetary penalty, is likely to spur more action
5 than a lower one?

6 A. I mean, just logically, that would make
7 sense. Of course, I can't speak to what CoreCivic
8 thinks, I'm not them. But logically, one would think
9 that a higher penalty would garner more attention.

10 Q. Other than exercise of the liquidated damages
11 clause, do you know any other fines or assessments that
12 have been levied against Trousdale?

13 A. None that I am aware of.

14 Q. Other than the noncompliance reports and
15 what's been identified in the various audits that we've
16 talked about, do you know of any other allegations that
17 CoreCivic has breached its contract with Trousdale via
18 TDOC?

19 A. No, not that I am aware of.

20 Q. What about other than those things we've
21 already discussed, any other finding that CoreCivic has
22 somehow deviated from or failed to comply with TDOC
23 policies? Do you have any other knowledge of that?

24 A. No, nothing other than what we've discussed.

25 Q. Is TDOC involved in approving, denying, or

1 modifying staffing requirements at the Trousdale
2 facility?

3 A. Yes. The assistant commissioner of prisons,
4 so the operations side of things, is responsible for the
5 review and approval of staffing patterns or staffing
6 changes.

7 Q. Do you have any involvement in that?

8 A. I do not.

9 Q. And how long has that person, that department
10 been involved in the staffing changes review?

11 A. Oh, they've always been the point on that.

12 Q. Who is the person? Do you know their name?

13 A. The current assistant commissioner of prisons
14 is Lee Dotson, L-E-E, D-O-T-S-O-N.

15 Q. And I think maybe I need to understand that
16 just a little bit better. So when they are approving,
17 say, staffing patterns, that would be the number of
18 people that are supposed to be working in the shifts and
19 where they're supposed to working at; is that right?

20 A. That's part of it. So it's the -- I mean,
21 yes. It's the number and where they're supposed to be
22 staffing a post. It's also the position itself. So the
23 number of COs, the number of sergeants, the number of
24 lieutenants, wardens, you know, medical people, et
25 cetera.

1 Q. Do they make a determination or assess
2 whether a position is a critical post or a noncritical
3 post?

4 A. That is something that, yes, the assistant
5 commissioner of prisons and his shop weigh in and review
6 that.

7 Q. So when those things are set and approved by
8 TDOC, that has the force of, this is the opinion of what
9 is appropriate by TDOC; is that right?

10 A. Yes.

11 Q. And if Trousdale is not providing staffing at
12 that level, that would be a violation of the approved
13 plan by TDOC; is that right?

14 MR. WELBORN: Object to the form.

15 THE WITNESS: Yes.

16 BY MS. HERZFELD:

17 Q. And you had said before that your position
18 was created in response to the findings of the 2020
19 comptroller's audit; is that right?

20 A. Yes.

21 Q. And then that's when kind of that second
22 contract monitor came into place and that was kind of
23 brought in under your shop?

24 A. Well, I think that he may have already filled
25 that position because the contract called for two

1 contract monitors. I think we just had a staffing
2 issue, for lack of a better term, of having a second
3 person in there. So that may have already been filled.
4 I think it was actually filled before that shop moved
5 under me.

6 Q. What other steps did TDOC take in response to
7 the 2020 audit by the comptroller's office?

8 A. So there were -- of course, we've already
9 talked about the creation of my position. The other
10 things related to contracts review, specifically related
11 to what would be, I guess, relevant to Trousdale would
12 be taking a look at incident reporting and the kind of
13 checks and balances with regard to that. So there were
14 policy updates made to ensure and assist with accurate
15 incident reporting, accurate reporting of inmate deaths.
16 And that's kind of the general description.

17 Q. Anything else that you can think of?

18 A. There were some -- there were things with
19 regard to, I mean, there was, I think an STS finding
20 related to access to TOMIS. So that was -- there was a
21 system put in place just to make sure were reviewing
22 access to TOMIS, which is our offender management
23 system, to ensure that, you know, people that either
24 left the department, left CoreCivic, or left the
25 contractor were not still maintaining access to the

1 system.

2 Q. Seems like that is a little important?

3 A. Yes.

4 Q. Can you think of anything else?

5 A. Off the top of my head without having it
6 pulled up in front of me, no.

7 MS. HERZFELD: Now, I am going to show you
8 what we will mark as Exhibit 5. Carole, ignore the
9 numbers that I've got on my pre-marked exhibits.

10 (Exhibit 5 was marked.)

11 BY MS. HERZFELD:

12 Q. Do you see this document in front of you?

13 A. Yes.

14 Q. And do you recognize it?

15 A. Yes.

16 Q. What do you recognize it to be?

17 A. That is our six-month follow-up report to the
18 comptroller's office related to the 2020 comptroller
19 audit.

20 Q. And those are the actions that the department
21 has said that it is taking or is in the process of
22 taking in order to respond to the report?

23 A. Yes.

24 Q. Has there been an update since this was
25 submitted?

1 A. No. So there's not a -- the requirements are
2 for a six-month follow-up report. There has not been an
3 updated report submitted to the comptroller's office.

4 Q. And you're familiar with this document, it's
5 TDOC 029720?

6 A. Yes.

7 Q. In your familiarity with that document, do
8 you know if anything has changed since this has been
9 submitted on July 3rd of 2020?

10 A. Some of the in-progress, the RDA corrective
11 action has -- I think there is a reference to a meeting
12 that was going to take place in the spring or in the
13 late fall. Those meetings have occurred. So to the
14 extent that those are part of those POCA, those have
15 been completed.

16 The in-progress with regard to the incident
17 reporting, part of that POCA was that the department was
18 going to go back and review the previous year's
19 incidents to make any corrections that needed to be
20 made. Also related to that was the republication of the
21 2018 statistical abstract. Those incident reviews have
22 been completed. That information has been given to
23 research and planning, who is now in the process of
24 amending to correct and resubmit the 2018 statistical
25 abstract. I think those are the highlights of the

1 things that happened since this one.

2 Q. And the stuff that says it's ongoing, that's
3 stuff that is, you know, generally supposed to be
4 monitored on a continual basis, I would assume?

5 A. Yeah. So we took the position of -- you
6 know, yeah, we can amend policy, but we took the
7 position of that isn't enough. So we want to make sure
8 we're doing ongoing, keeping an eye on things to make
9 sure we stay compliant.

10 Q. Who is responsible for the ongoing nature of
11 the POCA, as you called it?

12 A. That would be my -- one of my divisions, the
13 compliance division. They keep an eye on our continued
14 compliance with those items.

15 Q. And they are doing that as of today?

16 A. Yes.

17 Q. Okay, back to seeing my face?

18 A. Yes.

19 Q. One of the issues that was identified in one
20 of the audits, I think it was the 2020 audit, was
21 Trousdale having some difficulties with the grievance
22 process. Do you know what I'm talking about?

23 A. I believe it was findings related to abiding
24 by the timelines and time deadlines set forth in the
25 policy.

1 Q. What is being done to monitor that that is,
2 indeed, accurately being followed today?

3 A. So what the CMCs would be doing is -- well,
4 the CMOs, too. They kind of work in tandem. But they
5 would be keeping an eye on -- you know, consistently
6 keeping an eye on filed grievances and then following up
7 with CoreCivic staff, the grievance chairperson, and
8 certainly the AWs to ensure that those seven-day, and
9 five-day, and some other deadlines are being met.

10 Q. How do they do that? Do they do a random
11 sample, is there a computerized basis, do they talk to
12 inmates, what do they do?

13 A. All of the above. You know, tools of the
14 trade with monitoring is to kind of use all of the tools
15 you have in your quiver or arrows in your quiver to make
16 sure you get an accurate view of things. So they would
17 be able to, on a daily basis, they can look at -- in
18 TOMIS and you can see the grievances filed, you know,
19 within a given time.

20 Generally speaking, you know, as with any
21 audit, they'll take a sample and just use that sample as
22 a representation and look at those items, you know, look
23 at the documentation to make sure those timelines have
24 been met.

25 Q. What about if grievances are submitted by the

1 prisoner, but are not entered into TOMIS, what is the
2 process to be able to identify that situation?

3 A. Well, that's -- you know, you kind of brought
4 up the point, that's where the other avenues kind of
5 come in. That's why they're having contact with the
6 grievance chairperson, AWS, and even to the extent that
7 inmates will reach out to the monitors and make -- bring
8 it to their attention. That would be another avenue
9 that they have to look into things.

10 Q. And if a prisoner had submitted a grievance
11 and that was not entered into TOMIS and it was kind of
12 off the radar, how would one know that they're off the
13 radar?

14 A. So I'll use kind of a scenario example. So
15 let's say that the CMC or the CMO are on the compound
16 just walking and an inmate comes up and says, hey, I
17 filed a grievance yesterday and I haven't heard anything
18 back, or I filed a grievance four days ago and I haven't
19 heard anything back. So what the CMC can do, he can go,
20 he can look in TOMIS -- that's kind of first. Look in
21 TOMIS, see if it's there. If it's not, okay.

22 Then we talk to the grievance chairperson to
23 see if they've received the grievance. Then if they
24 haven't and they have no record of the grievance,
25 there's still the question of was it actually submitted

1 in accordance with policy.

2 So then the question maybe comes back to the
3 inmate, who did you actually submit it to? Do you know
4 who the staff member was? Then you talk to that staff
5 member. So you kind of investigate, you go through the
6 processes to find out if, one, if it was submitted; and
7 two, if there was a breakdown in the chain, where did it
8 happen and then address that breakdown.

9 Q. What about for things that are considered to
10 be nongrievable? How would those be tracked or
11 reported?

12 A. Well, of course, they report -- even if it's
13 nongrievable, it's still required to be put into the
14 system and indicated as it was -- because the response
15 to the inmate is that it's nongrievable. And then, you
16 know, as the handbook kind of sets out and the policy
17 sets out, those items that aren't grievable doesn't mean
18 they don't have an avenue to have it addressed.

19 That avenue is just -- those are in different
20 policies and different procedures. So you know -- but
21 it's the same kind of thing. If it's not identified in
22 TOMIS, even if it is nongrievable, that's still a
23 noncompliance because we still need to have a record of
24 that grievance being entered and it being indicated as
25 nongrievable.

1 Q. How would a prisoner know if they've received
2 something back on their grievance and it says it's
3 nongrievable? How would they know what their rights to
4 appeal are on a determination that something is
5 nongrievable? Where would they find that?

6 A. That would be in the grievance handbook. And
7 inmates have access to that. Of course, they have
8 access to all policies and it's something that's covered
9 generally under orientation.

10 Q. Under orientation, what is the specific
11 process for appealing something if it's been determined
12 to be ungrievable?

13 A. So it kind of depends on what the thing is.
14 So if it's related to -- you know, one of the things we
15 get a lot -- most of the things we get that are
16 nongrievable is an inmate disagreeing with a medical
17 diagnosis. I mean, that's obvious. I mean, no offense,
18 but a CO is not qualified and that process is not
19 appropriate to second guess a doctor.

20 But there -- of course, naturally, an inmate
21 would have to take that up with the physician. Or, you
22 know, I don't know that this is specifically a
23 procedure, but generally what happens is letters get
24 written to our CMO's office who's here in central office
25 to have that reviewed or looked at.

1 Q. But is that the actual process or that's
2 typically what happens?

3 A. That's typically what happens.

4 Q. Let's use your medical example, you know,
5 just as one. So say someone says, I don't feel like I'm
6 getting, you know, adequate treatment for my deficiency
7 in my eyesight. Let's just go with something basic.
8 They submit a grievance on that. It comes back that
9 this is a nongrievable issue, it's medical, talk to your
10 doctor. And the person says, no, no, no, I think it
11 actually implicates a constitutional right. What would
12 they do to appeal that determination of nongrievability?

13 A. Well, you don't really -- you can't really
14 appeal the fact that it's nongrievable. You would just
15 address it through the avenues that are in policy. I
16 don't have that policy pulled up in front of me, but I
17 think it's in the medical policy that sets out how they
18 can have their -- either a diagnosis or a treatment
19 reviewed above the facility level.

20 Q. So I just want to make sure that I
21 understand. So if any grievance, medical or not, if
22 somebody submits something and it comes back that this
23 is not on the list of things that are grievable, what is
24 one to do with that determination if they don't agree?

25 A. Okay. I see where you're going now. So, you

1 know, the grievance handbook is very -- it has a list of
2 items that are not grievable. And that list is fairly
3 specific, I would say. So you know, if it's one of
4 those, that is a fairly simple thing. There is really
5 no, I would say discussion on that one. We've made that
6 very clear.

7 If it is something not on that list, but
8 either, for whatever reason, let's say the response is
9 it's not grievable. Well, obviously, the inmate -- and
10 it happens, the inmate can appeal that. I mean, they
11 really can. What will happen is, is the response will
12 then be, it's not necessarily then a question of the
13 facts, necessarily, of the issue, you know what I'm
14 saying? It's more they're appealing that this is not
15 grievable.

16 So then what would happen in the appeal is, a
17 determination is it or is it not grievable. If it's
18 determined that, you know, they made -- the facility
19 made a mistake and it is grievable, then they send it
20 back and the process actually begins fresh. If it's
21 agreed that it's not grievable, that notification goes
22 back to the inmate. Of course, they, once again,
23 they'll appeal it up higher. And the same kind of look
24 at that will happen.

25 Q. So I just want to make sure I understand

1 then. So if I understand correctly, then in the inmate
2 handbook, it will be here are the things that are
3 grievable -- or I guess it's the grievance handbook.
4 Here are the things that are grievable. Here are the
5 things that, you know, are definitely not grievable.
6 And here is your appellate process if it's something
7 that's grievable. And here is your appellate process if
8 it comes back as not grievable.

9 Is there an actual section that identifies
10 that appellate process for a determination that
11 something is nongrievable?

12 A. Off the top of my head -- I haven't looked at
13 that and I've slept since then. I don't know that it
14 specifically says, this is appeals for grievable, this
15 is appeals for nongrievable. It just says an appeal
16 process. And the appeal process references, obviously,
17 denials of a grievance.

18 So it's kind of -- it's really, you know, by
19 saying it's nongrievable, it's a denial of a grievance.
20 So they appeal it up from there. I do know that the
21 handbook, when it lists out those items that are not
22 appealable, it does direct them to, you know, this is
23 not a grievable -- I'm sorry, it's not a grievable item.
24 It does direct them where and what policies to go to and
25 how they can address the issue through the other policy

1 and processes.

2 Q. Sounds like maybe it's just a little bit
3 vague as to what is grievable and appealable. So I
4 guess if you are an individual who is not a lawyer and
5 you're a prisoner there and you're reading your
6 grievance handbook to go through it -- I mean, I haven't
7 seen anything, which is legitimately why I am asking. I
8 didn't see anything that gave a specific kind of, if
9 something comes back as nongrievable, here is how you
10 can appeal it, other than, I think as you said,
11 generally a denial of a grievance, here is your
12 appellate process. Is that also your understanding? I
13 just want to make sure I understand your testimony.

14 MR. WELBORN: Object to the form.

15 THE WITNESS: Without going back and reading
16 it word for word and, you know, qualifying my answer
17 with the fact that I am not looking at it and reading it
18 word for word, I would say yes.

19 BY MS. HERZFELD:

20 Q. That's my understanding as well. I just
21 wanted to make sure I understood your testimony.

22 Moving on to some of our other topics here. Does
23 your office monitor press reports about incidents at
24 Trousdale?

25 A. Monitor what? I'm sorry.

1 Q. Press reports.

2 A. No.

3 Q. Does anybody in your office have a
4 responsibility for setting up a Google alert if anybody
5 is talking about Trousdale in the press?

6 A. I mean, I don't know about setting up a
7 Google alert, but we have a director of information, a
8 CIO, chief information officer, who is over all of that
9 press-related stuff.

10 Q. And as the inspector, are you made aware of
11 various issues as they bubble up in the press?

12 A. Sometimes. I mean, if it's just a -- you
13 know, I guess if it's something where related to a
14 specific incident, I will be made aware of a story. But
15 that would be about it.

16 Q. Since you've been at TDOC, have you ever
17 known of CoreCivic being in violation of any policies
18 that have to do with religion?

19 A. Not that I am aware of.

20 Q. What about any violations concerning religion
21 at Trousdale?

22 A. Not that I am aware of.

23 Q. Do you know if any employee at any CoreCivic
24 facility has ever been disciplined for violating an
25 inmate's civil rights regarding religion?

1 A. I don't know.

2 Q. What about any investigations or complaints
3 about a failure to accommodate religious requests at
4 Trousdale?

5 A. Nothing specific, though I would assume that
6 the religious activities committee gets requests or
7 complaints related to every facility.

8 Q. And do you know why it is that halal prayer
9 oil is not permitted at the Trousdale facility?

10 A. Well, the inmates, per our property memo,
11 have access to prayer oil that meets the requirements of
12 halal. So they do have access to prayer oil for the
13 practice of their religion. I'm not aware of any
14 restriction or prohibition at the Trousdale level of
15 access to the same oils that every other inmate has
16 access to.

17 Q. What is your understanding of how the inmate
18 would get access to that prayer oil at Trousdale?

19 A. They would order it through the approved
20 vendor.

21 Q. And the approved vendor at Trousdale is who?

22 A. It should be -- as far as I know, they use
23 the same vendor that we do, which is Union Supply.

24 Q. Do you know if Union Supply has halal prayer
25 oil?

1 A. Yes, they have prayer oil that meets the
2 requirements of the halal and practice of Islam.

3 Q. How do you know that?

4 A. It has been -- I know that that has been an
5 issue that has been brought up to the rack before. And
6 I know that -- I am aware that the rack has made
7 inquiries to Union Supply. And the information that
8 they have received has confirmed that it does meet the
9 religious requirements for Islam. As well as I am aware
10 that rack has consulted with an Imam who has also
11 confirmed that it does meet those requirements.

12 Q. Do you know if any of that information is in
13 writing?

14 A. I mean, I don't have it here in front of me.
15 It would be -- if it is in writing, it would be
16 something that would have been confirmed or documented
17 by the rack committee, perhaps in a response to a
18 complaint or a request.

19 Q. Who is it that I would talk to to find out
20 that information of what investigation they did to
21 ensure that the prayer oil is religiously appropriate
22 for a Muslim?

23 A. The person that oversees the religious
24 committee would be the director of religious services,
25 Robert Hill.

1 Q. So you think Mr. Hill is the one I could ask
2 those questions to?

3 A. That would be -- he would definitely have the
4 knowledge.

5 Q. And what about kuffain prayer socks, do you
6 have any knowledge about an inmate's access to kuffain
7 prayer socks?

8 A. I'm not aware of any access or denial of
9 access or requests for them.

10 MS. HERZFELD: If you will just give me one
11 minute. If we can go off the record for one second.

12 (Off-the-record discussion.)

13 MS. HERZFELD: Mr. Young, I'm going to
14 discuss with your counsel taking a further deposition of
15 Mr. Hill to get more information about some of the
16 religious questions. But so far as you're concerned, I
17 don't have any further questions of you today, so I will
18 pass the witness.

19 MR. WELBORN: I don't have any questions.

20 MS. HERZFELD: Nikki, any follow-up?

21 MS. HESHEMIAN: We don't have any follow-up
22 questions.

23 MS. HERZFELD: Mr. Young, you're excused.

24 FURTHER DEPONENT SAITH NOT.

25

1 CERTIFICATE

2 STATE OF TENNESSEE)
3) SS.
4 COUNTY OF DAVIDSON)

5 I, CAROLE K. BRIGGS, Licensed Court Reporter
6 within and for the State of Tennessee, do hereby certify
7 that the above deposition was reported by me and that
8 the foregoing pages of the transcript is a true and
9 accurate record to the best of my knowledge, skills, and
10 ability.

11 I further certify that I am not a relative,
12 counsel or attorney of either party nor employed by any
13 of the parties in this case or otherwise interested in
14 the event of this action.

15 IN WITNESS WHEREOF, I have hereunto affixed my
16 official hand on this 8th day of July 2021.

17
18 
19

20 CAROLE K. BRIGGS
21 Shorthand Reporter
22 Tennessee License No. 345

23
24
25

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